

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FIRST BAPTIST CHURCH OF SATSUMA,
Plaintiff,

1:23-cv-11031-KPF

-against-

MT. HAWLEY INSURANCE COMPANY

JOINT STATUS LETTER

Defendant.

Dear Judge Failla:

Pursuant to the Court's October 22, 2024 Second Revised Case Management Plan, the Parties hereby submit this joint status letter. The Parties are also submitting a separate request for permission to appear remotely at the January 2, 2025 pretrial conference, as lead counsel for both parties practices out of state.

(1) Existing Deadlines.

The expert discovery deadline is February 5, 2025.

(2) Outstanding Motions.

Defendant Mt. Hawley filed a letter motion to extend the deadline for seeking leave to amend its Answer to add a single affirmative defense based upon the subject insurance policy's 2-year suit limitations provision (ECF Doc. 41). Plaintiff has opposed the motion (ECF Doc. 42).

(3) Status of Discovery.

Fact discovery closed on December 20, 2024. Regarding outstanding expert discovery, Plaintiff is set to depose Mt. Hawley's causation expert on February 3, 2025. Mt. Hawley is set to depose Plaintiff's damages expert on January 30, 2025. Mt. Hawley has requested a date to depose Plaintiff's causation expert prior to the close of expert discovery.

(4) Status of Settlement Discussions and Request for Settlement Conference.

Plaintiff has made a settlement offer, but the Parties have not reached a resolution. The Parties would like to request a settlement conference with the Court.

(5) Anticipated length of trial.

3-4 days. The case is to be tried to a jury.

(6) Motions for Summary Judgment.

Defendant Mt. Hawley anticipates filing a motion for summary judgment concerning the 2-year suit limitations defense that is the subject of its motion to extend the deadline for motions for leave to amend pleadings. Plaintiff filed the lawsuit more than 2 years after the date of the storm that allegedly caused the subject damage to its property. Mt. Hawley will also seek the dismissal of Plaintiff's claim for attorney's fees because New York law applies to this dispute and Plaintiff does not have a viable basis for recovering attorneys fees under New York law.

Dated: December 26, 2024

Respectfully Submitted,

/s/ Richard L. Smith, III

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